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COMMISSION ON HUMAN RIGHTS
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Agenda item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by the International Federation of Human Rights Leagues a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1998]

GE.98-11160 (E)

1. The International Federation of Human Rights Leagues (FIDH) and its Palestinian member organizations, the Palestinian Society for the Protection of Human Rights and the Environment (LAW) and the Palestinian Centre for Human Rights, hereby wish to examine the question of international human rights instruments violations by Israel towards the Palestinian population in the Palestinian occupied territories and show how these violations have seriously undermined the peace process in 1997. Although the Israeli army has redeployed from parts of the West Bank and the Gaza Strip, it is still an occupying Power, and is still obliged to implement the provisions of the Fourth Geneva Convention of 1949. Consequently, Israel is still accountable for human rights violations in the occupied territories. In 1997, Israel repeatedly violated the Fourth Geneva Convention and other human rights treaty obligations when these human rights have conflicted with its military and political objectives; human rights violations have actually increased, leaving the Palestinian National Authority helpless to impede them, and the international community unable or unwilling to determinedly intervene.

Human rights violations related to Israeli territorial ambitions

2. Israeli human rights violations in the occupied territories have followed a pattern which conforms to Israel's earlier territorial ambitions: Israel appears to be seeking to predetermine the outcome of the peace process.

3. Jerusalem. Israel continues to occupy the East and Old City of Jerusalem. As an occupier, Israel violates international law, by its attempts to formalize its occupation, and particularly by its attempt to remove and replace the Palestinian population with Israeli colonizers. Three hundred and fifty-eight Palestinians have had their identity cards or residency rights removed in 1997. Israel continues to confiscate the property of Palestinians living in Jerusalem, both directly, or by supporting and protecting the Israeli extremist colonizers that have evicted them. Palestinians are also denied permits to build in Jerusalem, causing immense overcrowding, and consequent health and social problems. Israeli taxes are applied unjustly to Palestinians who have to pay the same taxes as people living in West Jerusalem, even though income levels in East Jerusalem are much lower. Even though they pay as much in taxes, Palestinians in East Jerusalem do not receive as many municipal services as residents of West Jerusalem. Israel has also closed down Palestinian institutions in East Jerusalem, claiming that they are in violation of the peace agreements; the presumable aim of this action is to undermine Palestinian presence in Jerusalem.

4. Settlements and house demolitions. The Israeli Government has continued to expand and build new settlements in the occupied Palestinian territories. These settlements have roads, infrastructure and military installations that protect and service them. They are built by expropriating Palestinian land and destroying family homes. During 1997, almost 25,000 dunums of land (one dunum = 100 square metres) have been confiscated from Palestinians for settlements: 4,951 dunums for construction of bypass roads, 723 dunums for new settlements, 14,784 for expansion of settlements, and 4,480 for industrial settlements. Israel continued to demolish houses as a means of collective punishment and/or as a prelude to settlement- or infrastructure-building. Between 30 July and 30 November 1997 a total of 72 homes were destroyed in the West Bank including Jerusalem. The Government of Israel claims that the confiscation of land and the demolition of houses are done for security reasons. The Government also justifies housing demolition on the grounds that

the Palestinian owners did not obtain building permits; however, such permits are almost systematically denied to Palestinians. On 18 August 1997, the Committee on the Elimination of Racial Discrimination adopted a statement on Israel, in which it confirmed its view that the Israeli settlements in the occupied territories were not only illegal under international law but also an obstacle to peace and the enjoyment of human rights by the whole population in the region.

Economic and social rights violations: the closures

5. In 1997, Israel imposed strict closures on the West Bank and the Gaza Strip, arbitrarily and without regard to the human consequences. Closure measures include very serious restrictions on the movement of individuals and goods to and from the West Bank and the Gaza Strip. This has resulted in the deprivation of work for thousands of Palestinian workers; the unemployment level has jumped to nearly 50 per cent, and the closure has contributed to worsened economic conditions in the occupied territories. In Gaza alone, over 1,200 students have been prohibited from continuing their studies at West Bank universities. People requiring medical treatment in Israel and elsewhere are not allowed to leave the occupied territories to receive treatment. Goods are not allowed to pass freely between the West Bank, Jerusalem and Gaza, nor can they be exported. Even the elected members of the Palestine Legislative Council have been subjected to restrictions on movement to and from Gaza and the West Bank. Israel's action impedes any normal existence within the autonomous areas and perpetuates the dependency of the Palestinians on Israel. As a means of improving security, the closures have proven ineffective and in fact have created an even more fertile environment for Palestinian unrest. In its statement of 18 August 1997, the Committee on the Elimination of Racial Discrimination condemned the closure and the withholding from the Palestinian Authority of taxes collected on its behalf because these measures amounted to collective punishment contrary to article 33 of the Fourth Geneva Convention.

Violations of the right to life, liberty and security of person, and to the right to physical integrity

6. Lethal force. Israel continues to use lethal force against Palestinians. In 1997, 20 people, including children, were killed by Israeli security forces. Settlers are also armed, and act with impunity.

7. Arrest and detention. Israel continues to arrest Palestinians. On approximately five occasions in 1997, Israeli forces entered areas of exclusive Palestinian control (Area A) in the West Bank to try to arrest suspects. Once under arrest, detainees are frequently denied access to lawyers; Gazan lawyers specifically are routinely denied permission to meet with clients. Only after an extended period of detention are legal safeguards upheld. The military court system continues to operate in a manner contrary to standards set out in the International Covenant on Civil and Political Rights. Moreover, during military court trials, the burden of proof is placed on the defendant. These facts seriously undermine the integrity of the military court's system of justice. Israel continues to imprison Palestinians in Israeli jails, contrary to the provisions of the Fourth Geneva Conventions. There are presently 3,547 political prisoners and 572 administrative detainees held by Israel in substandard conditions. Some of the administrative detainees have been imprisoned without trial or formal charges for the last five years.

8. Torture. Israel is the only country in the world where torture has been de facto legalized. In 1997, Israel was found to be in breach of the Convention against Torture, in that its interrogation practices, legalized under the Landau Rules, constituted torture. The Committee against Torture rejected Israel's claim that it had special security concerns that should permit the use of such "interrogation methods". The Committee concluded that even seeking to make the argument was improper. Israel has not reconsidered its view, and the use of torture continues.

Israel's role in human rights violations in the Autonomous Areas

9. In the name of security, Israel puts enormous pressure on the Palestinian Authority to undertake actions that violate principles of international law. In particular, the State Security Court was established in order to appease Israeli demands for swift incarceration of those it considers to be security risks to Israel. The functioning of the Court, which fails to meet the standards of fair trial and due process, has undermined the role and independence of the judiciary and has corrupted the rule of law.

10. Israel is contravening its treaty obligations by pressuring the Palestinian Authority to arrest pre-set numbers of people; such demands invariably lead to arbitrary arrests, done in order to appease an external Power. In the past, Israel has made arrest of specific numbers of Palestinians a precondition for it to carry out its Oslo obligations towards the occupied territories. As a result, the Palestinian Authority has conducted large-scale campaigns of arbitrary arrest and detention without legal safeguards and using ill-treatment. As well, in 1997, the Palestinian Authority bowed to Israeli pressure and closed a number of Israeli-specified social and welfare organizations in the Gaza Strip (Israel claimed that some of their members posed a security risk). These organizations had provided much-needed aid and assistance to the poorest and most vulnerable families in Gaza. The impact of Israel's action, and those of the Palestinian Authority in response to pressure from Israel, is a marked decrease in popular Palestinian support for the peace process and for the Palestinian Authority.

Israeli security and international action

11. The international community has failed to support Palestinian rights and has acted without determination where Israel has violated human rights. Western States, in particular, have done so in the false belief that Israeli practices will change when its security situation has improved. By remaining silent and by not acting, it has allowed Israel to continue to perpetrate many serious human rights violations with impunity. Nothing could increase the risk to Israel's security more than this. It is incumbent on the Commission on Human Rights to take a firm and definitive stand on the range of human rights violations being perpetrated by Israel. It should call on the international community to undertake steps to bring about Israeli Government compliance with its international human rights obligations.

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Fifty-fourth session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 March 1998]

GE.98-11157 (E)

1. The International Federation of Human Rights Leagues (FIDH) and its affiliate, the Tunisian Human Rights League, remain very concerned about the deterioration of the human rights situation and the growing gap between the statements of the authorities and actual respect for human rights in Tunisia.

2. On 9 June 1997, for example, the Tunisian Ministry of Foreign Affairs published a "Summary of the principal measures taken for the promotion and protection of human rights in Tunisia". It affirms in particular that "the personal commitment of the Head of State to the promotion and protection of human rights and the consolidation of State institutions has been given concrete form with the creation of various juridical and administrative mechanisms and structures and the adoption of a series of reforms and measures aimed at strengthening the rule of law". FIDH, however, notes many infringements of human rights.

1. Freedom of movement

3. The deprivation of a passport is a method commonly used by the Tunisian authorities to exert pressure on political opponents, human rights defenders and any person likely to make statements abroad which are not in keeping with government policy. Mrs. Sihem Ben Sedrine, Mr. Mustafa Ben Jaafar and Mr. Moncef Marzouki, defenders of democracy, have thus been arbitrarily deprived of passports.

2. Freedom of the press

4. Tunisian journalists are subject to daily surveillance, censorship, harassment and threats. They cannot work effectively and there is no independent press or even newspapers critical of the regime of President Ben Ali. Indeed, the World Association of Newspapers barred the Tunisian Newspaper Association in June for failing to defend press freedom in Tunisia. That unprecedented decision was taken after a three-year inquiry. The compliant press regularly engages in odious campaigns of denigration, defamation and threats against dissenters. The Tunisians invited to participate last June in a meeting on human rights in Tunisia organized by the European Parliament were, for example, accused of "betraying their country" by dailies such as Le Temps and Al Hadath. The virulence of the attacks on Mr. Khemais Chammari, a laureate of the Human Rights Prize of the City of Nürnberg, are such as to jeopardize his return to Tunisia. Even more recently, Mr. Patrick Baudouin and Mr. Saadoun Zmerli, President and Vice-President of FIDH, respectively, have been violently attacked by the Tunisian press.

3. Freedom of association

5. The authorities have the right of life and death over associations. Although formally guaranteed by the Tunisian Constitution, freedom of association is undermined both at the juridical level and in administrative practice. In 1994, Mr. Sadok Chaabane, the Tunisian Minister of Justice, even declared that "the particularity of the political regime established by President Ben Ali is that the State itself represents civil society". Pursuant to recent circulars, the organization of workshops, seminars

and meetings necessitates prior submission of the list of participants and speakers, the agenda and the documents to be used or distributed.

6. In this context of absolute control, the Tunisian Human Rights League, the first human rights organization established in the Arab world, has been harassed persistently for several years. Recently, on 5 January 1998, Mr. Ali Bedoui, the brother of Mr. Marzouki, a former President of the Tunisian Human Rights League, was arrested and later sentenced to six months' imprisonment without suspension for "contempt of authority", although he had simply asked to see a warrant at the time of his arrest. Mr. Bedoui's arbitrary arrest seems to be a means of exerting pressure on Mr. Marzouki.

4. Freedom of opinion and expression

7. The Tunisian authorities today no longer tolerate criticism or contradiction. A bill approved by the Council of Ministers on 3 September 1997 and now before the National Assembly illustrates this paranoic tendency. Its purpose is to amend articles 61, 61 bis, 61 ter, 61 quater and 62 of the Penal Code, which govern "attacks on the security of the State". The current provisions already permit dangerously broad interpretations of the concept. The proposed amendments seek, moreover, to define as an "attack on the external security of the State" the activities of a "Tunisian who deliberately establishes contacts with the agents of any foreign State or foreign or international body in order to set forth or disseminate erroneous information which may prejudice the vital interests of Tunisia". If this bill is passed, such acts would be punishable by 5 to 12 years' imprisonment. Human rights defenders intending to appeal to the mechanisms for monitoring the international human rights instruments to which Tunisia has acceded are obviously the primary targets.

8. In addition, on the basis of a proposal by the Government, the Tunisian Parliament in October 1997 passed a law setting a penalty of three to five years' imprisonment without suspension for Tunisians who accept foreign distinctions or decorations without first obtaining the agreement of the Ministry of Foreign Affairs. Furthermore, most of the approximately 2,300 political prisoners are deprived of their liberty because of their proven or presumed sympathy with the Islamist movement. In recent years the circle of repression has widened in a very alarming manner.

5. Arbitrary arrests

9. The Tunisian regime is sadly renowned for the practice of arbitrary arrests. On 29 September 1997, for example, Mr. Khemaïs Ksila, Vice-President of the Tunisian Human Rights League, was arrested after announcing that he was beginning a hunger strike to draw attention to the harassment and abuse to which he had been subjected for more than two years because of his commitment to human rights. On that occasion, he issued a statement critical of the human rights situation in his country. He was charged with "dissemination of false news", "defamation against the established order" and "incitement to break the law", which undoubtedly cover crimes of opinion.

6. Right to a fair hearing

10. In many politically sensitive trials, the international standards guaranteeing the right to a fair hearing have been seriously flouted. The sentences pronounced in February and July 1996 against Mr. Moaada and Mr. Chammari, respectively, bear witness to this. The outcry against those decisions abroad and the pressure brought to bear on the Tunisian authorities have led to measures being taken for their conditional release, which are nevertheless revocable.

11. On 21 January 1998, when Mr. Khemais Ksila appeared before the Correctional Court of Tunis, he was not allowed to meet his lawyers, in violation of the right to counsel. Mr. Ksila was sentenced to three years' imprisonment without suspension on 11 February 1998 for a crime of opinion. Then, on 12 February 1998, the office of lawyer Radhia Nasraoui was burgled and ransacked. There is no doubt that her active participation in the defence of Mr. Ksila was the reason for those excesses. Lastly, Mrs. Radhia Nasraoui, currently on mission in Mali for Amnesty International, is considered to have absconded and was given notice to appear on 30 March by the examining magistrate.

7. Right to physical integrity

12. Torture is still an established practice in Tunisia. It is facilitated by frequent non-observance of the maximum period of police custody, failure to notify family members of detention measures, denial of access to a lawyer and the impossibility of using the services of a doctor of one's own choosing. Conditions of detention are so bad that Mr. Abdelmoumen Belanes began a hunger strike on 7 December 1997. The perpetrators of acts of torture furthermore enjoy de facto impunity, which encourages the phenomenon. However, on 17 November 1997, the Committee against Torture declared admissible communication No. 60/1997, relating to the case of Mr. Faisal Baraket. The Tunisian authorities will therefore have to provide explanations on that matter.

8. Right to respect of privacy

13. The Tunisian State has built up a disproportionate police force totalling some 120,000 persons for a population of 9,000,000. The omnipresence of the police allows for tight control of the territory and the use of methods that seriously interfere with privacy: constant surveillance, illegal telephone tapping to obtain information for later use in politically sensitive trials, interception of mail and faxes and searches of vehicles have become the daily lot of members of the political opposition and human rights defenders.

9. Freedom of action of international NGOs

14. Tunisia has become sadly renowned in recent years for growing interference with the freedom of action of international NGOs: organizations such as Amnesty International, Reporters Without Borders and Human Rights Watch have been subjected to surveillance and constraints rendering their fact-finding missions impossible. In May 1996, the President and Vice-President of FIDH were prohibited from entering Tunisian territory.

15. FIDH and the Tunisian Human Rights League call on the Tunisian authorities to respect the international instruments which they have ratified. They request the Commission on Human Rights to condemn the violations of human rights in Tunisia.

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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1998]

Violation of Human Rights in Turkey against Kurds

1. For years now, a number of international institutions have documented reports of massive human rights violations in Turkey: the practice of torture in prisons, and the destruction of Kurdish villages. Despite their reporting, nothing has changed in which Turkey, has remained impervious to the necessary reforms to its Constitution.

2. These appalling conditions have forced the political prisoners to undertake hunger strikes, the most serious one going on in Erzurum prisons, which have resulted in the death of two inmates: Serpil Yilmaz and Osman Das at Sakarya and Bartin prisons, respectively. These inmates were tortured just as the 12 inmates who died of hunger strikes in 1996. Because nothing was done to change the prison conditions, the tragedy of inmates starving themselves to death continues.

3. Serpil Yilmaz died of torture related complications. She was not treated on time. The European Convention on Human Rights is very specific on the rights of the prisoners to adequate care. This was not done. On 24 September 1996, 10 Kurdish prisoners of war were assassinated by the Turkish security forces.

4. A number of Turkey based organizations such as democratic Struggle Platform and the Organizations for the Protection of Inmate Rights and People's Labor Party in Sakarya have sounded alarm bells. They have urged immediate interventions to preempt tragic ends. Already, the health conditions of Serefkan Kara, Resul Akkol, and Suleyman Elefke have become critical. Ten other inmates are having eyesight and hearing problems.

5. The sentiment common among the international community not to "alienate" Turkey or not to "lose" it has enabled Ankara to use its "importance" as invaluable. The Turkish State has always used its strategic location to exact a heavy price from its allies. Instead of adopting the values of advanced countries, it wishes these countries adopt the Turkish norms.

6. The Turkish Government is not willing to face up to the criticism levelled against it and is now engaging in measures to find excuses for its record. Turkey is facing major problems. Those who were saying Turkey is unitary and indivisible and beyond reproach have now found themselves facing the scandal that is Susurluk. Many people in Turkey are still kept in darkness about this incident. Susurluk is another name for the ongoing war in Kurdistan. In order to finance the war, the Government stooped to the measures such as cooperating with the gangs and mafia. In Turkey, the mafia is not an aberration but part of the State policy to wage the dirty war against the Kurds.

7. Because of the war in Kurdistan, 3 million Kurds have become refugees. Many have sought refuge in large Turkish cities. This policy of uprooting the Kurds goes back to the 1920s. At that time, the Kurds were forced to settle in restricted areas. Until recently, the Kurds were forced with the choice of assimilation; today, they face genocide. Those with means are making for the shores of Europe. Many who make it have had modest incomes. There are

millions of others - the villagers - who cannot afford the fare to undertake the trip. Considering the crisis in its totality, one sees the need to address the Kurdish question in its entirety.

8. We welcome the 10 December 1997 decision of the Italian Parliament to hold an international conference on the Kurdish issue. We believe it will begin an auspicious process toward the resolution of the conflict. We also believe that other countries will do their share and we stand ready to do our part to expedite the work of such a gathering.

9. Let's have a look at the human rights situation in Turkey. In 1997, which was one of the best years in this regard since 1991, there have been 109 murders by unidentified assailants, 114 extrajudicial executions or deaths by torture in detention, 2,514 killed in clashes, 151 killed and 239 wounded in attacks against civilians, 66 alleged disappearances under detention, 366 alleged torture cases, 27,308 detained, 1273 jailed, 23 villages/hamlets evacuated, 127 bombed places, 153 associations, trade unions, publications closed, 213 raided associations, trade unions, publications, 298 journalists, press workers detained, 278 publications confiscated. Requested imprisonment sentences and fines amount to 893 years 8 months for a total of TL 3.2 billion. Ordered imprisonment sentences amount to 259 years 4 months. There are 105 prisoners of conscience in jails.

10. The Kurdish question in Turkey is often presented as one of a reasonably democratic Government seeking to cope with an intractable problem of "terrorism". We believe that the reality is one of military totalitarian regime aiming to eliminate the identity of a people. The PKK (Kurdish Workers Party) took up arms because it could not see any prospect for realizing its legitimate political objectives by peaceful means. The response of the Turkish State, as in 1915 with the Armenians, was to use conciliatory language for external consumption, while unleashing huge military force against the virtually defenceless civilian population thought to be in sympathy with the "separatists". To characterize the revolt of a subdued people against their oppressors as "terrorism" is a woeful misunderstanding which could only arise from ignorance of facts and/or history.

11. We believe that the process of democratization and improvement of human rights in Turkey would not be complete or lasting without the just solution of the Kurdish question.

12. We therefore call on the United Nations to:

- consider how the unrepresented status of the Kurds can be remedied;

- seek implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, in order to achieve a balance between the legitimate sovereign requirements of the States in the region, and the rights of the Kurdish people to free cultural expression and a genuine measure of control over their own affairs;

- encourage a political solution for the Kurdish question. Thus the United Nations should consider how the hope expressed in Security Council resolution No. 688 of 5 April 1991, "that an open dialogue will take place to ensure that the human and political rights of all Iraqi citizens are respected" be realized in Turkey.

13. We call on the United Nations Commission on Human Rights to use all possible mechanisms to monitor the situation in Turkey and in particular to propose that a United Nations Special Rapporteur be appointed to undertake an investigation of documented human rights violations in Kurdistan.

14. Intergovernmental and non-governmental organizations should assist North-West Kurdistan with regard to its acute underdevelopment, large scale human displacement and widespread human rights violations, particularly by providing support to local human rights organizations.

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Fifty-fourth session
Agenda item 20

RIGHTS OF THE CHILD

Written statement submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 March 1998]

GE.98-11281 (E)

The child's rights to health and life

1. Multilateral embargoes (those against Iraq and the Libyan Arab Jamahiriya) and unilateral measures (those against Cuba and the Democratic People's Republic of Korea) have proven, by their long presence on the international scene, how damaging they are to the most disadvantaged and weakest categories of the world's population and yet have not resolved the political disputes from which they originated.

2. A full foreign trade embargo is a means of deliberately plunging the economy concerned into a state of "controlled torpor" and among its direct consequences is that it makes respect of the fundamental right to health impossible. Access to care becomes an exceptional privilege from which the bulk of the population is excluded. Even the Cuban health system, long one of the world's most advanced and the South's best developed, has deteriorated.

3. Many Libyans, especially children, have died for want of swift access to care. The toll has been heaviest - in the hundreds of thousands, according to UNICEF - in Iraq, where the children are paying the price of an embargo that has been in force since 1991, with no end in sight.

4. Embargoes decreed by a single State (or group of States) are mere manifestations of "private justice" and, as such, completely illegal. Embargoes decreed by the Security Council, on the other hand, have a semblance of legality. The doctrinal controversy surrounding them highlights the extreme weakness of the thesis of the advocates of such "counter-measures". And the fact of the matter is that through them a United Nations body whose mission under the Charter is to keep the peace, and to do so principally by negotiation and conciliation, has become an instrument for violating the rights to health and life of thousands of children.

5. The United Nations cannot allow itself to become through so much as one of its organs even an indirect tool of programmed slaughter. The rights of the child cannot be treated as if they were less important than the settlement of oil-related political disputes.

6. The Commission on Human Rights would, therefore, be justified in declaring that there is incompatibility between collective economic and military sanctions and the protection of the fundamental rights of the child, and in alerting the other United Nations bodies to that fact.

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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[13 March 1998]

1. The Society for Threatened Peoples would like to draw the attention of the Commission on Human Rights to the region of Guayana which is part of the State of Bolívar, Venezuela. As a consequence of Presidential Decree 1850 (1997) which has been issued in the context of the Land-Use Plan for the Forest Reserve of Imataca, the situation of the indigenous peoples living in the Sierra Imataca is going to worsen. Particularly affected are the Pemones, Arawakos, Akawaios and Kariñas. Decree 1850 violates national as well as international juridical environmental norms. The Decree does not incorporate the indigenous peoples into the Plan; therefore, it violates the indigenous peoples' property rights in those areas in which they are actually living. On the contrary, these areas are exposed to mineral exploration and the ensuing exploitation which will end in the reduction of the indigenous territories.

2. The Government of Venezuela even refuses to recognize indigenous peoples as peoples. Reducing their territories has systematically worsened the health, environmental and food situations. Nearly 98 per cent of the population living in that area is infected with malaria. Also, the health of the indigenous peoples is weakened by diarrhoeal and bronchio-pulmonary diseases. Many of these peoples inhabit the banks of the rivers Kuyuni, Venamo, Supamo and others which are contaminated by toxic deposits from mining activities. The rivers are contaminated by mercury and mud. No water supply or other minimum public service exists. Therefore, the indigenous peoples are forced to use the water and to eat fish from these rivers, impacting their health seriously.

3. The indigenous peoples of the Sierra Imataca ask the State of Venezuela to recognize their right to territorial property in order to guarantee and ensure their nutrition and health, which are indispensable for their physical and cultural continuity. Also, they ask for full participation in the decision-making processes on development policy at the different levels of government which would impact on indigenous territories.

4. The Constitution of Venezuela establishes equality before the law. Unfortunately, it seems that this has been used by the State rather as an instrument to encourage discrimination towards indigenous peoples. The State refuses to acknowledge the specific rights of indigenous peoples in accordance with their cultural distinction, thereby fostering their assimilation which will end in the loss of their cultural roots.

5. These serious reasons impel us to request the Commission on Human Rights to take note of this information and to request from the Government of Venezuela an official report on the situation, including a plan for resolving the problems mentioned above.